

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BRYCE FRANKLIN,

Plaintiff,

v.

Civ. No. 19-899 KWR/GBW

AMANDA ANAYA, *et al.*,

Defendants.

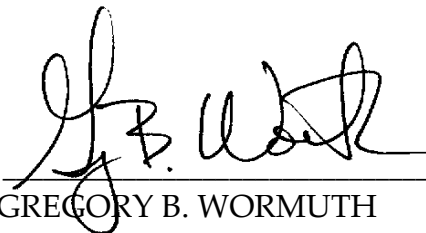
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

THIS MATTER is before the undersigned *sua sponte*. Plaintiff brings two § 1983 claims for violations of his due process rights and his right to be free from cruel and unusual punishment as well as three state tort claims for negligence, false imprisonment, and malicious abuse of process against Defendants Amanda Anaya, Karl Douglas, and The Geo Group. *Doc. 22* at 9-12. On February 8, 2023, District Judge Kea W. Riggs dismissed all of the claims in Plaintiff's Amended Complaint without prejudice and closed the case. *See docs. 32, 33*. On September 18, 2023, the Tenth Circuit reversed the District Court's decision regarding Plaintiff's § 1983 due process claims against Defendants Anaya and Douglas, *see doc. 42-1* at 10, and the decision regarding whether Defendants Anaya and Douglas are entitled to immunity from Plaintiff's tort claims under the New Mexico Tort Claims Act, *see id.* at 12. The Tenth Circuit did not

reverse the District Court's ruling that Plaintiff failed to state any § 1983 claims or tort claims against Defendant The Geo Group. *Id.* at 15.

As a result, it appears to the undersigned that there are no claims in this action against Defendant The Geo Group. The undersigned therefore RECOMMENDS that the Court strike as moot Defendant The Geo Group's Answer to Plaintiff's "Amended Civil Complaint" (*doc. 48*) and remove Defendant The Geo Group from the docket.

Further, Defendant The Geo Group's deadline to file its response to the Order to File a Martinez Report (*doc. 50*) is STAYED until 30 days after a final order from District Judge Kea W. Riggs is issued on these Proposed Findings and Recommended Disposition, assuming a response is still necessary.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH
CHIEF UNITED STATES MAGISTRATE JUDGE

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.